IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 15920 of 2005

Between:

B. Nikhila D/o Sri B. Udaya Bhaskar Rao
R/o Plot No. 62, Defence Colony, Sainikpuri Defence Colony, Secunderabad

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep by Secretary, Medical & Health Department, Secretariat Buildings, Hyderabad.
2. The Secretary to Government of A.P. General Administration Department, Secretariat Buildings, Hyderabad.
3. The NTR University of Health Sciences, Vijayawada, A.P., rep by Registrar.
4. The Convener EAMCET- 2005, SIT Building, Cellar Portion, JNTU, Kukatpally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in stipulating the eligible age for admission into MBBS Course as completion 17 years as on 31st December of admission year as unjustified, unqualified, illegal, arbitrary violative of articles of the constitution of India, opposed to principles of natural justice, and against law, and consequently to set a side the same.

Counsel for the Petitioner: MR.V.CH.NAIDU

Counsel for the Respondent Nos.1 and 2: GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the Respondent No.3: MR.D.V.NAGARJUNA BABU, SC FOR NTRHU

Counsel for the Respondent No.4: MR.K.RATHANGAPANI REDDY, SC FOR JNTU

The Court at the admission stage made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the stipulation of minimum age of 17 years as on 31st December of admission year for admission into MBBS course.

It is stated in the affidavit filed in support of the writ petition that the petitioner passed Intermediate with Bi.P.C., group in the year 2005, appeared for EAMCET-2005 and obtained a rank of 3,066. But, in view of the age restriction, the petitioner apprehends that her case may not be considered for allotment of a seat. Hence, she sought for appropriate orders to the third respondent-University for considering her case for allotment of a seat, pending relaxation of age limit from the respondents 1 and 2.

The contention of the learned counsel for the petitioner is opposed by the learned Standing Counsel stating that the stipulation of minimum age is in conformity with the Rules framed by the State Government in G.O.Ms.No.183, Health, Medical and Family Welfare (EI), dated 30.06.2004 and the Andhra Pradesh Government Professional Institutions (Regulations of Admissions into Under Graduate Medical and Dental Professional Courses) Rules, 2004 (for short 'the Rules'). According to Rule 3 (b) of the Rules, a candidate should have completed the age of 17 years as on 31st December of year of admission. The learned Standing Counsel also stated that even as per the Rules issued by the Medical Council of India, a candidate should have completed 17 years of age. Further, this issue was

considered by a Division Bench of this Court in W.P.No.3708 of 1980 and following the same, a Single Judge of this Court in W.P.No.12892 of 2004 negatived the claim for relaxing the minimum age fixed under the Rules.

Heard both sides and considered the material on record.

In view of the above Rule position as well as the decisions of this Court, the petitioner is not entitled for any relief from this Court. Therefore, the writ petition is dismissed. No costs.

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21.07.2005

VGB

To

1. The Secretary, Government of Andhra Pradesh, Medical & Health Department, Secretariat Buildings, Hyderabad.
2. The Secretary to Government of A.P. General Administration Department, Secretariat Buildings, Hyderabad.
3. The Registrar, NTR University of Health Sciences, Vijayawada, A.P.
4. The Convener EAMCET- 2005, SIT Building, Cellar Portion, JNT University, Kukatpally, Hyderabad.
5. 2CCs to the Government Pleader for Medical, Health & Family Welfare, High Court Buildings, Hyderabad. (OUT)
6. 2CD copies.